



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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JULY 23, 2007

Regular meeting of the City Council held on Monday July 23, 2007 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Katz, Ferro, Schafer, Juare, Webster, Clancy and Towle. Councilors absent: none. Meeting adjourned at 9:15 p.m.

ORDERED: Minutes, City Council meeting, June 25, 2007, **FILE**; adopted.

ORDERED: City Council President Arthur Vigeant introduced to the Public, the new Library Director, Salvatore Genovese; adopted.

ORDERED: That the following transfer of \$51,000 relative to the Hemenway Street sidewalk installation project, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 83600-32713 \$51,000.00
Stabilization Hemenway St. Sidewalks

TO:

Acct. # 19300006-58514 \$51,000.00
DPW Projects

ORDERED: That the appointment of Laurie Fitzgerald to the Historical Commission be and is herewith refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Marlborough Police Department has been awarded a Bulletproof Vest Reimbursement Grant from the Department of Justice in the amount of \$23,702.00. The Grant will be used to purchase bulletproof vests for members of the Police Department, **APPROVE**; adopted.

ORDERED: That the Marlborough Police Department has been awarded a Bulletproof Vest Reimbursement Grant from the Executive Office of Public Safety in the amount of \$20,250.00. The Grant will be used to purchase bulletproof vests for members of the Police Department, **APPROVE**; adopted.

ORDERED: That the Human Services Department has been awarded a grant in the amount of \$43,000 from the Metro/South West Regional Employment Board. These funds will be used to pay for two contracted positions – Partnership Director and Career Specialist – as well as associated administration expenses to provide a job development programs for those between the ages of 16 and 24, **APPROVE**; adopted.

ORDERED: That the Marlborough Fire Department has recently been awarded an SFY Student Awareness of Fire Education grant in the amount of \$5,822.55 from the Commonwealth’s Executive Office of Public Safety, **APPROVE**; adopted. (Councilor Juairé abstained).

ORDERED: That the City of Marlborough’s preliminary award of \$10M in MORE grants funded through the Massachusetts Opportunity Relocation and Expansion (MORE) Jobs Capital program, will help insure that municipalities can pay for improvements such as water and sewer connections, roadway enhancements and utility upgrades necessary to support business relocation and/or expansion leading to job growth, **FILE**; adopted.

ORDERED: That the Council on Aging has been awarded the Marlborough Council on Aging Formula Grant for FY08 from the State of Massachusetts. The Council on Aging of Marlborough has been appropriated a grant in the amount of \$34,430.00 for the fiscal year FY08 as a supplement to our City Budget, **APPROVE**; adopted. (Councilor Levy abstained)

ORDERED: That the Mayor requests a budget transfer in the amount of \$5,990.00 necessary to provide for temporary part-time assistance at the DPW due to an unanticipated long-term clerical absence. Temporary help has been at the DPW for several weeks and in the absence of funds available for this purpose, I authorized the use of the Comptroller’s Temporary Part-Time Help line item as a temporary funding source. This transfer will create a new line item within the DPW and backfill the Comptroller’s line item for funds already expended for this purpose, **APPROVE**; adopted.

FROM:

Account # 14001001-50630 5,990.00
Assistant Commissioner

TO:

Account # 14001003-51240 3,260.00
Temporary PT Help

TO:

Account # 11330002-50586 2,730.00
Temp Clerical

ORDERED: That the Marlborough Retirement Board FY2008 operating expenses will be paid from the investment income of the system as required by provisions of Chapter 306 of the Acts of 1996, **FILE**; adopted.

ORDERED: That the communication from Chris White, Tree Warden, regarding the vegetation management plan, yearly operation plan, **FILE**; adopted.

ORDERED: That the communication from Jonathan Chase doing business as Skin & Bones, 75 Lincoln St. regarding the new sign ordinance, **FILE**; adopted.

- MOTION: To move agenda item #14, communication from George M Peterson, Jr., WRT Management, and agenda item #15, communication from John D. Riordan/Marlborough 2010 Corporation regarding the sale of 91 Main St., (Old Fire Station) to agenda # 33, **APPROVE**; adopted.
- ORDERED: That the communication from Deborah A. Fairbanks, requesting to amend the Special Permit, Fairbanks Development LLC, at 406 Lincoln St. (Renaissance Lofts), refer to **URBAN AFFAIRS COMMITTEE, CITY PLANNER AND BUILDING INSPECTOR**; adopted.
- ORDERED: That the Central Ma Mosquito Control Project regarding investigating residents' complaints about mosquitoes on August 1, 8, 15, 22, 29, 2007, **FILE**; adopted.
- ORDERED: That the minutes of the Planning Board, May 8, May 22, June 12, June 26, July 24, September 11, September 25, October 30, November 6, November 20, December 4, December 18, 2006, January 8, January 22, 2007, **FILE**; adopted.
- ORDERED: That the minutes of the School Committee, January 9, January 23, February 13, February 27, March 13, March 27, April 10, April 24, and May 8, May 22, 2007, **FILE**; adopted.
- ORDERED: That the minutes of the Community Development Authority, March 29, April 26, and May 31, 2007, **FILE**; adopted.
- ORDERED: That the TransReport, July 2007, **FILE**; adopted.
- ORDERED: That the CLAIMS, refer to **LEGAL DEPARTMENT**; adopted.

REPORTS OF THE COMMITTEES

Suspension of the Rules requested – granted; adopted

ORDERED: That the following transfer in the amount of \$50,196.88 to fund the Marlborough Police command Contract as outlined in the mayor's letter dated June 21, 2007, **APPROVE** as recommended by the Finance Committee; adopted.

FROM:

Acct: #11990006-57820	\$17,487.00
Reserve for Salaries	
Acct: #11990006-51500	\$32,709.88
Fringes	

TOTAL: \$50,196.88

TO:

Acct: #12100001-50500	\$4,305.21
Captains	
Acct: #12100001-50510	\$9,740.52
Lieutenants	
Acct: #12100001-50820	\$17,726.28
Sergents	
Acct: #12100003-51226	\$687.45
First Response	
Acct: #12100003-51310	\$5061.21
Overtime	

Acct: #12100003-51430 Longevity	\$1454.79
Acct: #12100003-51440 Educational Incentive	\$4743.68
Acct: #12100003-51450 Night Differential	\$817.40
Acct: #12100003-51490 Holiday	\$2004.24
Acct: #12100003-51920 SLBB	\$3656.10
TOTAL:	\$50,196.88

MOTION: To move agenda item #25 with Order No. 07-1001599 Reports of Committees, **APPROVE**; adopted.

Suspension of the Rules requested – granted; adopted

ORDERED: That the application of John D. Loureiro for Juniper Farms/Bolton Oil Inc., 888 Pleasant St., map 15, parcel 1 for a FUEL STORAGE LICENSE to store aboveground 1 (one) 20,000 gal tank, 3(three) 15,000 gal tanks, 1 (one) 10,000 gal tank #2 fuel oil and 1 (one) 5,000 gal tank kerosene, **APPROVE** as recommended by the Public Services Committee; adopted.

Suspension of the Rules requested – granted; adopted

ORDERED: That the application from Atty. Bergeron requesting a sewer connection permit for St. Mary’s French Hill Redevelopment LLC on Broad St., **APPROVE** as recommended by the Public Services Committee with conditions; adopted.

- 1) The Sewer Connection Permit is limited to 8,030 gallons per day;
- 2) The Sewer Connection Permit shall lapse if the connection is not made within 18 months after the date of final approval;
- 3) If the total volume is not needed, the surplus shall be returned to the City of Marlborough.

Suspension of the Rules requested – granted; adopted

ORDERED: Communication from the Mayor re: the issue of joining the newly formed MetroWest Regional Transit Authority. Currently, the City of Marlborough is a member of the Worcester Regional Transit Authority which administers our AVCOA paratransit for the City’s disabled and senior populations. In order to move to the MetroWest RTA, a municipal vote to withdraw from the Worcester RTA will be required as part of next November election process reported from Transportation Committee.

MOTION: To start the process to move from the WRTA to MWRTA **APPROVE**; adopted.

MOTION: To utilize the Legislative petition to leave the WRTA **APPROVE**; adopted. **(Councilor Schafer abstained) (Councilor Ferro opposed)**

Suspension of the Rules requested – granted; adopted

ORDERED: That the reappointment of Amy Loveless, to the Council on Aging, for a period of 3 years expiring April 30, 2010 **APPROVE** as recommended by the Personnel Committee, adopted. (Councilor Levy abstained)

ORDERED: That the President’s Sign Ordinance Review Committee be immediately dissolved by the President as the work of this ad-hoc committee has been completed, **APPROVE**, adopted.

ORDERED: That the Mayor and DPW Commissioner update the City Council at the August 20, 2007 regular meeting regarding the plans to beautify the west entrance of the City, including the McKinnon property purchased by the City last year, **APPROVE to be placed on the August 20, 2007 agenda**; adopted.

ORDERED: That the application of Mass Electric and Verizon New England for joint or identical pole location on Clover Hill St. (Plan #2007-55), **APPROVE**; adopted. Assistant City Engineer recommends approval with the necessary permitting required through DPW.

ORDERED: That the application of Mass Electric and Verizon New England Inc. to install one new pole #29 on Solomon Pond Road, **APPROVE**, adopted. Assistant City Engineer recommends approval with the necessary permitting required through DPW.

ORDERED: That the application of Mass Electric and. to install new conduit on Valley St., **APPROVE**; adopted. Assistant City Engineer recommends approval with the necessary permitting required through DPW.

ORDERED: That the application of Richard Roach d/b/a HUDMAR LTD., 270 Main Street for renewal of Junk Dealer’s License, **APPROVE**; adopted. **Subject to report from Police Chief and submission by applicant of certificate of good standing to the City Clerk’s Office.**

ORDERED: That the following transfer request in the amount of \$200,000 for water infrastructure improvements for Robin Hill Road, **APPROVE**; adopted.

FROM:

Acct. # 83600-32925	\$ 200,000.00
Stabilization Fund	

TO:

Acct. # 83600-32712	\$ 200,000.00
Stabilization WS Improvements	

ORDERED: That the following transfer request in the amount of \$210,000.00 which will move funds from Stabilization to the newly established Stabilization-Affordable Housing Account, refer back to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 83600-32925	\$210,000.00
Stabilization Fund	

TO:

Acct. # 836000	\$210,000.00
Stabilization – Affordable Housing	

ORDERED: That the following transfer request in the amount of \$10,000.00 into a newly-established Stabilization-Inspectional Services account, **APPROVE**; adopted.

FROM:

Acct. # 83600-32925 \$10,000.00
Stabilization Fund

TO:

Acct. # 83600-32717 \$10,000.00
Stabilization-Inspectional Services

Suspension of the Rules requested to add two communications into the records and also agenda items #14 and #15 – granted; adopted

ORDERED: That the City Council **APPROVE** the proposal for the purchase of the Olde Fire Station by WRT Management Corp. in the amount of \$850,000.00 with WRT's agreement not to request a TIF agreement for the property from the City of Marlborough and the granting of easements by WRT to the City of Marlborough for the staircases (2) on Bolton and Main Street adjacent to the property; adopted.

The acceptance of the offer of WRT Management Corp to acquire the former Fire Station at 91 Main Street in Marlborough is subject to the condition that the deed from the City include restrictions containing the following language:

“The following deed restrictions shall run with the deeded premises and shall be expressly included in any lease pertaining to said premises:

1) In the event that a restaurant, any entity serving alcoholic beverages of any kind to the public, and/or any entity providing entertainment of any kind to the public, is operating at the premises, then:

a) the serving of said alcoholic beverages, and the providing of said entertainment, shall be prohibited at said premises after 12:00 midnight on any day when said premises is open for operation;

b) appropriate ventilation shall be installed so as, in the opinion of the Marlborough Board of Health, to minimize any restaurant odors at neighboring properties to the greatest extent possible on any day when said restaurant is open for operation.

2) The exterior façade of the existing building, including brickwork, original lighting, entry-way doors (including garage bay doors) and windows, shall be retained as identical as possible to the building's finished condition as previously proposed by Grantor. Any exterior changes proposed by Grantee shall be subject to review and written approval by the Mayor of the City of Marlborough or by the Mayor's authorized designee. Grantee acknowledges that Grantee is aware that the building is within the Marlborough Center Historic District, a historic district on the National Register of Historic Places,”

Councilor Schafer proposed the amendment to add the two conditions to the order, **APPROVE**; adopted.

Councilor Juaire proposed an amendment to condition #2 that the Historical Commission, instead of the Mayor, approve any exterior changes proposed by the Grantee.

Suspension of the rules requested to allow the City Solicitor speak – granted.

Councilor Webster excused herself from this discussion. Councilor Juaire withdrew the amendment.

Councilor Juaire opposed the sale of the Fire Station.

ORDERED: That the “**Loan Order for the Westerly Treatment Plant Upgrades \$41,100,000.**” to upgrade the Westerly Treatment plant. The Mayor presented the timeline for the project as follows – final design complete by second quarter 2008 and construction to begin on June 30, 2008 and complete in 2 years, refer back to the **FINANCE COMMITTEE**; adopted

ORDERED: That the appointment of Diane Smith as City Auditor, **APPROVE** as recommended by the Personnel Committee; adopted

ORDERED: That there being no further business, the regular meeting of the City Council is herewith adjourned at 9:15 p.m., **FILE**; adopted.